

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

WILLIE JOE STALLING,

Plaintiff,

v.

ORDER
11-CV-779

CAROLYN W. COLVIN,
ACTING COMMISSIONER OF THE
SOCIAL SECURITY ADMINISTRATION,

Defendant.

This case was referred to Magistrate Judge Hugh B. Scott pursuant to 28 U.S.C. § 636(b)(1). Both parties filed motions for judgment on the pleadings. On May 14, 2013, Magistrate Judge Scott filed a Report and Recommendation, recommending that the decision of the Commissioner be vacated and the matter remanded for further proceedings.

Defendant filed objections to the Report and Recommendation on May 28, 2013, plaintiff filed a response thereto on June 19, 2013 and defendant filed a reply thereto.

Pursuant to 28 U.S.C. § 636(b)(1), this Court must make a de novo determination of those portions of the Report and Recommendation to which objections have been made. Upon a de novo review of the Report and

Recommendation, and after reviewing the submissions, the Court adopts the proposed findings of the Report and Recommendation.

Accordingly, for the reasons set forth in Magistrate Judge Scott's Report and Recommendation, the decision of the Commissioner is vacated and the matter remanded for further administrative proceedings.

The Clerk of court shall take all steps necessary to close the case.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT JUDGE

DATED: July 12, 2013